

THOUSANDS MOURN AT GALBRAITH'S BIER

Legion Conducts Impressive Services at Funeral of Its Commander.

IS HONORED BY FRANCE

Brief Orations by Prominent Men Praise His Service and High Character.

CINCINNATI, June 11.—Thousands of persons this afternoon paid tribute to the memory of Col. Frederick W. Galbraith, national commander of the American Legion, who lost his life last Thursday morning in an automobile accident in Indianapolis.

The funeral services were under the auspices of the American Legion, and long before they began, and while there was a long procession of mourning men, women and children passing the body of Col. Galbraith, which lay in state in the rotunda of the big building, the 4,000 seats in the auditorium of Music Hall were taken.

The obsequies were marked by simplicity. Brief orations were delivered by the Rev. John Herget, who was the chaplain of the 14th Infantry, which was commanded by Col. Galbraith in France; the Rev. Frederick McMillin, who also was an overseas chaplain; Theodore Roosevelt, Assistant Secretary of the Navy, who represented the Federal Government; former Representative Victor Heintz of Ohio, who was a captain under Galbraith; Col. Franklin D. Oiler, former commander of the legion; and Marcel Knecht, director of the French Information Service in the United States, who was the official representative of the French Government.

In his address Mr. Roosevelt said: "In the great service movements that have strengthened our cities, through the toil of everyday life, on the shell torn battlefields of France—where service could be found—there you found Col. Galbraith at the forefront of the battle, gallantly fighting for the right.

"We mourn his death, but we are proud of his life. We shall miss him in the troubled days that lie before us, but our faith in our country is strengthened in that it can breed such men. Good citizen, tender husband and father, a soldier, splendid idealist—his death has left us poorer, but his life has left us richer. His pilgrimage is gloriously finished."

Col. Oiler said in his eulogy: "The legion has lost its great leader; the service man, and especially the disabled man, has lost his best friend; the city, this State, and this nation, has lost one of its most useful citizens. The service man, because of his training and discipline in the army, is not much given to expressing his deepest feelings, and, having known this great character so intimately, I am sure that the greatest tribute we would wish for would be to assure him that even though he has gone his spirit is still carrying on."

Capt. De Levergne, air attaché of the French Embassy, posthumously conferred upon Col. Galbraith the Grand Cross of the Legion of Honor by direction of the President of France. In his brief address he referred to the deceased as "hero and a great citizen."

At the close of the military services the Scottish Rite conducted its impressive burial ceremonial. The body then was borne through the city streets

on a gun carriage, followed by the largest military funeral cortege seen in Cincinnati since the burial of Gen. Joseph J. Hooker of civil war fame.

The body was placed in a vault in Spring Grove Cemetery preparatory to its interment in the Arlington Cemetery in Washington.

One floral offering among the hundreds attracted much attention. It consisted of palms bound with the tri-color of France. It was the tribute of the citizens of Chateau-Thierry. Accompanying the piece was a card bearing the inscription: "To one of our bravest liberators." Other floral pieces, orders for which were cable from France, were from the Federation of French War Veterans and "Grateful Alsace-Lorraine."

By the Associated Press.

PARIS, June 11.—The French Government to-day named Col. Frederick W. Galbraith, Jr., national commander of the American Legion, who was killed in Indianapolis Wednesday, a commander of the Legion of Honor posthumously and the insignia of the rank will be placed on his casket by an attaché of the French Embassy in Washington.

Minister of War Barthou this afternoon sent Gen. Herbaud to express to Ambassador Wallace the sympathy of the Government and the French army.

LEGALITY OF STATE BONUS ACT TESTED

Attorney-General Institutes Suit to Clear Up Validity of Big Bond Issue.

BANK MADE DEFENDANT

Governor to Convene Appellate Division of Supreme Court to Speed Action.

ALBANY, June 11.—Attorney-General Charles D. Newton to-day instituted a suit to test the constitutionality of the soldiers' bonus act in the form of an action to require payment by the Westchester County National Bank of Peekskill of \$25,000, the amount of its bid made for the bonds to be issued under the law.

At the same time Gov. Miller made it known that he would call a special session of the Appellate Division of the Supreme Court for the Third Judicial Department to expedite the action.

The Governor was requested to take this step by the Attorney-General's department.

The effect of the Attorney-General's suit will be to clear up the question of the validity of the \$45,000,000 soldier bonus bond issue and the payment of bonuses to soldiers, sailors, marines and nurses who served in the world war.

Bank Brought Up Issue.

The Westchester County National Bank through its president, Cornelius A. Pugsley, made a bid for \$25,000 of these bonds at par, but declined to accept or pay for them at the recent sale upon the

ground that the constitutionality of the law authorizing them was in question. "It is of the highest importance to the soldier boys, to the State and to the investing public that the constitutionality of the bonus bonds should be determined," Mr. Pugsley said to-day.

"We intend to obtain a decision in the court of last resort, because we do not want the bonds if the law is unconstitutional. Other investors have shown they will not buy them while there is a cloud on their title. We believe we are performing a public duty in not only ascertaining their constitutionality but in making it possible for the soldiers to get the money if the court holds the law is valid."

Chester D. Pugsley, attorney of the bank, stated: "We are not trying to prove that the act is unconstitutional, but merely seeking the adjudication of a court of last resort as to the constitutionality of the bonds before we pay for them, as otherwise there is no market for them."

Lower Court Eliminated.

In the present suit the bank agreed to expedite the determination of the question by joining in a stipulation to submit the controversy to the Appellate Division of the Supreme Court, Third Department, upon an agreed statement of facts. This eliminates the necessity of beginning in a lower court.

When a determination by the Appellate Division is reached an appeal will be taken to the Court of Appeals, which Gov. Miller will request to convene as soon as possible for the purpose of adjudicating finally the constitutionality of the State bonus law and the validity of the bonds. In the event that the Court of Appeals upholds the validity of the bonds, State Comptroller Wendell will be in a position to advance moneys from the State sinking fund in anticipation of the sale of the bonds, thus obviating any further delay in obtaining money for the payment of the bonus.

Attorney-General Newton has designated Deputy Attorney General Edward G. Griffin and James S. Y. Ivins to assist him in conducting the litigation.

Stipulation Signed.

The stipulation submitting the controversy was signed to-day by the State authorities and by Mr. Pugsley as president of the bank.

Submission of the controversy to the Appellate courts upon an agreed statement of facts is authorized by the code

of civil procedure in cases where there are no questions of fact but only issues of law involved.

Civil War Veteran of 81, Lonely, Takes Bride, 83

Special Despatch to THE NEW YORK HERALD.

CHICAGO, June 11.—"I'm getting married again because I'm lonesome," said Samuel H. Merritt, 81, a veteran of the civil war, after he had obtained a license to-day to wed Mrs. Louisa V. J. Vaughan, 83.

The couple are the oldest to apply for a license in the history of Chicago's marriage license bureau.

Gen. John J. Pershing will be the principal speaker at the reunion of officers of the world war which will be held in tents at Sea Girt, N. J., beginning next Tuesday and lasting until Friday. Among the other speakers will be Major-General Robert L. Bullard, Major-General William G. Haan, Rear Admiral H. M. P. Huse, Brig.-Gen. Denis E. Nolan and Brig.-Gen. William Weigel. The reunion will be a voluntary camp, where there will be thorough discussion of the place to be occupied by the reserve in the national defense.

On the second day of the reunion an address will be made either by Senator James W. Wadsworth or Representative Julius Kahn on "National Defense." Entertainment will include rifle and pistol range practice, baseball, swimming, boating and fishing. Old army clothes will be the official reunion uniform. Tents, coats and blankets will be supplied.

EDWARDS FLAG DAY SPEAKER. Tuesday when the Brooklyn Lodge of Elks, No. 2, will celebrate at Fort Greene Park, in Brooklyn, the 14th anniversary of the American flag.

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